

The jurisdiction of the Appeals Board to review rulings of the administrative law judges issued prior to final award is statutorily created by K.S.A. 44-534a and K.S.A. 1995 Supp. 44-551. The former statute provides that the Appeals Board may review those preliminary findings pertaining to the following: (1) whether the employee suffered an accidental injury; (2) whether the injury arose out of and in the course of the employee's

employment; (3) whether notice was given or claim timely made; and (4) whether certain defenses apply. The latter statute empowers the Appeals Board to review orders of the administrative law judges issued prior to final award where it is alleged they have exceeded their jurisdiction and authority.

Because the issue presented here is not one of those specific jurisdictional issues listed in K.S.A. 44-534a, nor is it alleged the Administrative Law Judge exceeded his jurisdiction and authority, the issue is not reviewable at this time.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Steven J. Howard entered in this proceeding on January 24, 1996 remains in full force and effect and this review should be, and hereby is, dismissed.

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Keith L. Mark, Mission, KS
Frederick J. Greenbaum, Kansas City, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director